

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schmeichel, Charles M. ) Docket No.: A20-012-01-US  
Serial No.: N/A )  
Filed: Herewith )  
For: TONNEAU COVER TENSION )  
ADJUSTER APPARATUS )

Assistant Commissioner for Patents  
Washington, D. C. 20231

## PRELIMINARY AMENDMENT

Dear Sir/Madam:

Prior to the first examination of the above-identified application, please enter the following amendments:

IN THE CLAIMS

Please enter the following new claims, 15-32.

15. (New) An adjustable assembly for a tonneau cover used to cover a pickup truck cargo box, the cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, a front wall and a rear end gate wall, said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box, the adjustable assembly comprising:

left and right side rails connected to said left and right side walls, respectively;

an elongate tensioning rail having left and right ends, said tensioning rail extending from the left side rail to the right side rail, the tonneau cover attached to the tensioning rail;

left and right side rail attachment bracket mechanisms connected to said left and right side rails, respectively; and

left and right tensioning rail attachment members engaged with said tensioning rail; wherein each of said left and right side rail attachment bracket mechanisms include a threaded screw member, and each of the threaded screw members are positioned and arranged such that a force can be placed on the elongate tensioning rail by each of the threaded screw members as said screw member is adjustably manipulated to drive the tensioning rail away from the respective attachment bracket mechanism, thereby placing greater tension on the tonneau cover.

16. (New) The adjustable assembly of claim 15, wherein the tensioning rail includes a tensioning rail attachment chamber and each of said left and right tensioning rail attachment members is engaged within the tensioning rail attachment chamber.

17. (New) The adjustable assembly of claim 16, wherein each of said left and right tensioning rail attachment members extends below the side rail with which it is engaged such that the tensioning rail is restrained from being lifted away from the respective side rails when the attachment members are engaged with the respective side rails.

18. (New) The adjustable assembly of claim 15, wherein each of the pair of threaded

screw members is engaged in coaxially aligned, reciprocally threaded openings in each of the respective side rail attachment bracket mechanisms.

19. (New) An adjustable cover assembly for a cargo box, the cargo box including upwardly extending left and right side walls, a front wall and a rear end gate wall, the adjustable cover assembly comprising:

left and right side rails connected to said left and right side walls, respectively;

a tonneau cover having forward and rearward ends;

an elongate tensioning rail having left and right ends, said elongate tensioning rail extending from said left side rail to said right side rail, the forward end of the tonneau cover being secured to the elongate tensioning rail;

left and right side rail attachment bracket mechanisms connected with said left and right side rails, respectively; and

left and right tensioning rail attachment members engaged with said tensioning rail; wherein each of said left and right side rail attachment bracket mechanisms include a threaded screw member, and each of the threaded screw members are positioned and arranged such that a force can be placed on the elongate tensioning rail by each of the threaded screw members as said screw member is adjustably manipulated to drive the tensioning rail away from the respective attachment bracket, thereby placing greater

tension on the tonneau cover.

20. (New) The adjustable assembly of claim 19, wherein the tensioning rail includes a tensioning rail attachment chamber and each of said left and right tensioning rail attachment members is engaged within the tensioning rail attachment chamber.

21. (New) The adjustable assembly of claim 20, wherein each of said left and right tensioning rail attachment members extends below the side rail with which it is engaged such that the tensioning rail is restrained from being lifted away from the respective side rails when the attachment members are engaged with the respective side rails.

22. (New) The adjustable assembly of claim 19, wherein each of the pair of threaded screw members is engaged in coaxially aligned, reciprocally threaded openings in each of the respective side rail attachment bracket mechanisms.

23. (New) An apparatus for varying the position of an end rail of a tonneau cover attachment frame used to secure a tonneau cover to a pickup truck cargo box, the attachment frame including at least one end rail and opposing left and right side rails, the tonneau cover being secured to the end rail, the apparatus comprising:

    a first adjustment block mechanism, the first adjustment block mechanism being attached to one of said side rails; and

    a first tensioning screw, the first tensioning screw operatively connected to the first adjustment block mechanism and movable with respect thereto, with the first tensioning screw configured and arranged to operatively contact the end rail; wherein

movement of the first tensioning screw with respect to the first adjustment block mechanism, in a direction toward the end rail, varies the position of the end rail with respect to the respective side rail.

24. (New) The apparatus of claim 23, wherein the first tensioning screw is movable in a direction generally parallel to the side rail and wherein the end rail is slidingly engaged with the opposing left and right side rails and movable with respect thereto in a generally orthogonal, constrained manner.

25. (New) The apparatus of claim 23, further comprising a second adjustment block mechanism, the adjustment block mechanism being attached to the other of said left and right side rails, and

a second tensioning screw, the second tensioning screw operatively connected to the second adjustment block mechanism and movable with respect thereto, with the second tensioning screw configured and arranged to operatively contact the end rail; wherein movement of the second tensioning screw with respect to the second adjustment block mechanism, in a direction toward the end rail, varies the position of the end rail with respect to the other side rail.

26. (New) The apparatus of claim 25, wherein the second tensioning screw is movable in a direction generally parallel to the side rail.

27. (New) An apparatus for shifting the position of a slideable end rail of a tonneau cover attachment frame that includes at least one end rail and parallel left and right side

rails, the tonneau cover being attached to the end rail, wherein the end rail is slidingly connected to the parallel left and right side rails and movable with respect thereto in a generally orthogonal, constrained manner, the apparatus comprising:

    a first adjustment block mechanism, the first adjustment block mounted to the left side rail and configured to operably contact the end rail and, upon manipulation thereof, shift the position of the end rail with respect to the left side rail in a direction away from the first adjustment block mechanism; and,

    a second adjustment block mechanism, the second adjustment block mounted to the right side rail and configured to operably contact the end rail and, upon manipulation thereof, shift the position of the end rail with respect to the right side rail in a direction away from the second adjustment block mechanism.

28. (New) A shifting apparatus which operatively contacts an end rail of a tonneau cover frame for attaching a tonneau cover to a cargo box of a pickup truck, the tonneau cover frame having parallel left and right side rails and an end rail, the tonneau cover being attached to the end rail, the apparatus comprising:

    a first adjustment block mechanism, the first adjustment block attachably mounted to the left side rail and configured to operably contact the end rail and, upon manipulation thereof, shift the position of the end rail with respect to the left side rail; and,

a second adjustment block mechanism, the second adjustment block attachably mounted to the right side rail and configured to operably contact the end rail and, upon manipulation thereof, shift the position of the end rail with respect to the right side rail wherein the end rail is slidingly engaged with the parallel left and right side rails and movable with respect thereto in a constrained manner.

29. (New) The shifting apparatus of Claim 28, wherein each of the first and second adjustment block mechanisms include a threaded screw members that is positioned and arranged such that a force can be placed on the end rail by each of the threaded screw members as said screw member is adjustably manipulated to drive the end rail away from the respective adjustment block mechanism, thereby placing greater tension on the tonneau cover.

30. (New) An adjustable assembly for a tonneau cover used to cover a pickup truck cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, a front wall and a rear end gate wall, said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box, the adjustable assembly comprising:

left and right side rails connected to said left and right walls, respectively;

an elongate tensioning rail having left and right ends, said elongate tensioning rail extending from said left side rail to said right side rail, the tonneau cover being attached to the elongate tensioning rail;

left and right side rail attachment block mechanisms connected to said left and right side rails, respectively; and

left and right tensioning rail attachment blocks engaged with said left and right ends of said elongate tensioning rail, respectively, and each slidably engaging the respective side rail proximate the respective ends of the elongate tensioning rail such that the elongate tensioning rail is slidably engaged with the opposing left and right side rails and movable with respect thereto in a generally orthogonal, constrained manner ; wherein the left and right side rail attachment block mechanisms include left and right screw members adjustably contacting said tensioning rail.

31. (New) A method of maintaining an appropriate tension on a tonneau cover secured to a cargo box of a pickup truck, the pickup truck cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, a front wall and a rear end gate wall, said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box; the method comprising:

attaching a tonneau cover and a tonneau cover attachment frame having a tonneau cover adjustment mechanism to the pickup truck, the tonneau cover

attachment frame including left and right side rails which are connected to said left and right side walls, respectively; an elongate tensioning rail having left and right ends, said tensioning rail extending from the left side rail to the right side rail, the tonneau cover attached to the tensioning rail; left and right side rail attachment bracket mechanisms connected to said left and right side rails, respectively; the elongate tensioning rail including left and right tensioning rail attachment members engaged with said tensioning rail; wherein each of said left and right side rail attachment bracket mechanisms include a threaded screw member, and each of the threaded screw members are positioned and arranged such that a force can be placed on the elongate tensioning rail by each of the threaded screw members as each said screw member is adjustably manipulated to drive the tensioning rail away from the respective attachment bracket mechanism, thereby placing greater tension on the tonneau cover; and

manipulating the respective attachment bracket mechanisms so as to drive the tensioning rail away from the respective attachment bracket mechanism, thereby placing greater tension on the tonneau cover following the step of attaching, at such time as it is desireable to place a greater tension on the tonneau cover.

32. (New) A method of maintaining an appropriate tension on a tonneau cover secured to a cargo box of a pickup truck, the pickup truck cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, a front wall and a rear end gate wall, said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box; the method comprising:

attaching a tonneau cover and a tonneau cover attachment frame having a tonneau cover adjustment mechanism to the pickup truck, the tonneau cover attachment frame including left and right side rails which are connected to said left and right side walls, respectively; an elongate tensioning rail having left and right ends, said tensioning rail extending from the left side rail to the right side rail, the tonneau cover attached to the tensioning rail; left and right side rail attachment bracket mechanisms connected to said left and right side rails, respectively; the elongate tensioning rail including left and right tensioning rail attachment members engaged with said tensioning rail and positioned and arranged to sliding secure the elongate tensioning rail to the respective side rails; wherein each of said left and right side rail attachment bracket mechanisms include a threaded screw member, and each of the threaded screw members are positioned and arranged such that a force can be placed on the elongate tensioning rail by each of the threaded screw members as each said screw member is adjustably manipulated to drive the tensioning rail away from the respective attachment bracket mechanism, thereby placing greater tension on the tonneau cover; and

manipulating the respective attachment bracket mechanisms so as to drive the tensioning rail away from the respective attachment bracket mechanism, thereby placing greater tension on the tonneau cover following the step of attaching, at such time as it is desireable to place a greater tension on the tonneau cover.

REMARKS

The present application is a reissue application for U.S. Patent No. 5,906,407 (the '407 patent) which issued May 25, 1999. The reissue application is filed within two (2) years of the issue date and new claims have been entered seeking to broaden the definition of the invention. In the Declaration by the Inventor, Charles M. Schmeichel, it is indicated that the specification, the drawings and the claims are defective. The specification, drawings and claims were prepared by an attorney other than the undersigned attorney. It is believed by the Applicant that the drawings do not fully show all aspects of the invention, making it difficult to fully claim the invention. In addition, the specification does not fully describe the invention, thereby limiting the ability of the Applicant to fully claim the invention. It is believed that there is no remedy for this lack of complete description of the invention as any addition to the drawings and to the specification is likely to be determined to be new matter. It is believed, however, that the new claims entered into the present reissue application, claims 15-32, do provide a broader definition of the invention and, although the invention is not completely described in the specification and drawings, it is believed that the Applicant will be better served by the present claims than he may have been with the originally filed claims which ultimately issued with the '407 patent. The original claims, however, have not been cancelled as they do afford some certain protection for the Applicant's invention, protection which has value to the Applicant.

The Examiner is urged to contact the undersigned attorney by telephone if the undersigned attorney can provide any further information to the Examiner which would be helpful or if there are informalities in the present application which can be addressed

easily over the telephone. The undersigned attorney looks forward to working with the Examiner to obtain suitable patent protection for the Applicant.

Respectfully submitted,  
for the Applicant  
by his Attorneys,

MOORE & HANSEN  
2900 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
(612) 332-8200  
Customer No. 22854

Date: May 25, 2001

By: *Robert C. Freed*  
Robert C. Freed, Reg. No. 32,569

P:\Client Files\Bob Freed\Agricover\012-01-US\010525 Preliminary Amendment.doc